

## REMARKS

### Claim Objections

- 5 All of the previously presented claims that the Examiner has objected to have been amended to avoid the basis for objection.

### Claim Rejections -35 USC §112

- 10 All of the previously presented claims that have been rejected under 35 USC §112 have been amended to avoid the basis for this rejection.

### Claim Rejection -35 USC §103

- 15 The present invention as defined by the claims now pending is limited to an apparatus and method that includes a security panel. The term "security panel" is a term of the security system field.

- 20 Neither the Thrasher US patent application number 2004/0176142 nor the Fujisawa US patent 7,016,707 refer directly or indirectly to the term "security" or much less "security panel" or "security system".

Both of these documents are classified in the international class H04B. This class is defined:

- 25 An example of the hierarchy of IPC codes is taken from the WIPO website:

SECTION H	ELECTRICITY
H04	ELECTRIC COMMUNICATION TECHNIQUE
H04B	TRANSMISSION
H04B7/00	Radio transmission systems, i.e. using radiation field

Thus, the most substantial common relationship between the cited references is that they both relate to Electricity, Electric Communication Technique, and

Transmission!! These! terms! are! inapposite! to! the! present! invention.

A! search! of! the! United! States! Patent! and! Trademark! Office! web! site! for! patents! dated! after! 1976! in! the! H06B! international! class! and! which! included! the! word!

5 "security"! failed! to! identify! any! documents!! This! further! establishes! the! irrelevance! of! the! cited! references.

It! is! understood! that! the! Examiner! has! inherently! equated! the! terms! "mobile! phone"! with! the! term! "security! panel"! at! page! 4, line! 3! of! the! office! action.

10

It! is! respectfully! submitted! that! the! total! absence! of! a! security! panel! or! a! security! system! in! either! of! the! references! as! well! as! any! patent! in! the! United! States! Patent! and! Trademark! Office! database! of! patents! having! the! same! international! classification! is! evidentiary! that! there! is! no! combination! of! the! cited! reference! or!

15 the! cited! references! with! any! patent! in! the! same! international! classification! provides! even! the! slightest! suggestion! of! the! generic! claims! of! the! present! application.

It! is! also! respectfully! submitted! that! other! claims! presented! in! this! application! are!

20 expressly! limited! to! specific! responses! in! the! security! panel! in! response! to! an! input! at! the! bracelet!! These! include!

1.! causing! the! associated! phone! line! to! go! off! hook.

25 2.! causing! the! phone! line! to! go! off! hook! and! a! predetermined! message! to! be! delivered! to! an! individual! placing! an! incoming! call.

3.! activation! of! an! audio! amplifier.

30 4.! Initiating! a! message! to! an! incoming! caller! that! the! user! will! answer! the! call! shortly.

Because the cited reference do not include or relate to a security system, much less a security panel the references do not show or suggest alone or in combination the claimed invention. The references do not have some suggestion, teaching, or motivation that would have taught a person of ordinary skill in the field of the invention.

The established standard is clear:

In re Dance, 160 F.3d 1339, 1343 (Fed. Cir. 1998) ("When the references are in the same field as that of the applicant's invention, knowledge thereof is presumed. However, the test of whether it would have been obvious to select specific teachings and combine them as did the applicant must still be met by identification of some suggestion, teaching, or motivation in the prior art, arising from what the prior art would have taught a person of ordinary skill in the field of the invention.")

Karsten Mfg. Corp. v. Cleveland Golf Co., 242 F.3d 1376, 1385 (Fed. Cir. 2001) ("In holding an invention obvious in view of a combination of references, there must be some suggestion, motivation, or teaching in the prior art that would have led a person of ordinary skill in the art to select the references and combine them in the way that would produce the claimed invention.")

In re Fine, 837 F.2d 1071, 1075 (Fed. Cir. 1988) (there must be "some objective teaching in the prior art or that knowledge generally available to one of ordinary skill in the art would lead that individual to combine the relevant teachings of the references")

Interconnect Planning Corp. v. Feil, 774 F.2d 1132, 1143 (Fed. Cir. 1985) ("When prior art references require selective combination by the court to render obvious a subsequent invention, there must be some reason for the combination other than the hindsight gleaned from the invention itself.")

Applicant expressly asserts that the statement at page 3, numbered paragraph 4, lines 5-6 that "Thrasher discloses ... a security panel ..." has no basis. More particularly, Thrasher does not even include the term "security".

It is respectfully submitted that the pending claims are allowable and such action is requested.

Should a petition for an Extension of Time be necessary for the timely reply to the outstanding office action (or such a petition has been made and an additional extension is necessary) petition is hereby made in the Commissioner is authorized to charge any fees (including additional claim fees) to Deposit Account Number 19-2635 under Attorney Docket Number H0005941-0555.

!!!!!!

Respectfully submitted,



Robert S. Smith  
Registration No. 24,681  
Law Offices of  
Robert S. Smith  
Attorney for Applicant

1131-0 Tolland Turnpike,  
Suite 306  
Manchester, CT 06040  
Telephone: (860) 983-5838  
Facsimile: (860) 371-3814  
RSS/AE

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being transmitted to the United States Patent and Trademark Office on the date shown below  
06/05/2006

ROBERT S. SMITH

